

PATRICK L. FORTE, #80050
CORRINE BIELEJESKI, #244599
LAW OFFICES OF PATRICK L. FORTE
One Kaiser Plaza, #480
Oakland, CA 94612
Telephone: (510) 465-3328
Facsimile: (510) 763-8354

Attorneys for Debtor

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re:

Case No. 10-72502 RE

EDDIE WILLIAMS,

Chapter 13

Debtor.

**MOTION TO VALUE SECURITY OF
BANK OF AMERICA UNDER FRBP
3012; NOTICE AND OPPORTUNITY
TO REQUEST A HEARING**

Debtor Eddie Williams ("Debtor") hereby moves the court to value the claim of Bank of America ("Bank of America") secured by a lien against Debtor's property located at 1908 Calaveras Drive, Pittsburg, CA 94565 ("the property").

1. This motion is based on the petition, schedules, and documents on file herein, and the Memorandum of Points and Authorities in Support of the Motion and Declaration of Debtor in Support of the Motion filed herewith.

2. As stated in the attached Declaration, at the time of filing, Debtor's residence was worth less than the first lien against the property.

3. Bank of America holds the second lien against the property.

1 Based on the foregoing, and for the reasons stated in the
2 attached Memorandum of Points and Authorities, Debtor prays that:

3 1. For purposes of Debtor's chapter 13 plan only, the court value
4 Bank of America's lien at zero, hold that Bank of America does not
5 have a secured claim, and hold that Bank of America's lien may not be
6 enforced, pursuant to 11 U.S.C. §§ 506, 1322(b)(2), and 1327; and

7 2. Upon entry of a discharge in Debtor's chapter 13 case, the
8 lien shall be voided for all purposes, and upon application by Debtor,
9 the court will enter an appropriate form of judgment voiding the lien.

10 **PLEASE TAKE NOTICE:**

11 (i) That Local Rule 9014-1 of the United States Bankruptcy Court
12 for the Northern District of California prescribes the procedures to
13 be followed and that any objection to the requested relief, or a
14 request for hearing on the matter must be filed and served upon the
15 undersigned within twenty-one (21) days of mailing of this Notice;

16 (ii) That a request for hearing or objection must be accompanied
17 by any declarations or memoranda of law the party objecting or
18 requesting wishes to present in support of its position;

19 (iii) That if there is not a timely objection to the requested
20 relief or a request for hearing, the Court may enter an order granting
21 the relief by default; and

22 (iv) That the undersigned will give at least seven (7) days
23 written notice of hearing to the objecting or requesting party, and to
24 any trustee or committee appointed in the case, in the event an
25 objection or request for hearing is timely made; and
26

1 (v) That, except as otherwise ordered by the court, the initial
2 hearing on the motion will not be an evidentiary hearing, and will
3 serve as a status conference at which the court may schedule any
4 evidentiary hearing necessary.

5
6 Dated: January 15, 2011

/s/ Corrine Bielejeski
CORRINE BIELEJESKI
Attorney for Debtor